IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

JASON PAUL VOELKER,

No. C 09-03755 CW (PR)

Plaintiff,

ORDER OF DISMISSAL

v.

M.C. KRAMER, et al.,

Defendants.

This action was opened in error when the Court received a document entitled, "Request for an Emergency Injunction and/or Writ of Prohibition" (docket no. 1) from Plaintiff that was intended to be filed in a previously-filed action -- Case No. C 08-1285 CW (PR).

Before the Court is Plaintiff's "Ex Parte Motion for an Order Withdrawing Case from Civil Docket as Improvidently Filed" (docket no. 3). His motion is GRANTED.

Accordingly, the Clerk of the Court is directed to remove Plaintiff's "Request for an Emergency Injunction and/or Writ of Prohibition" from this action, to file it in his previously-filed action, Case No. C 08-1285 CW (PR), and to docket it as his "Request for an Emergency Injunction and/or Writ of Prohibition." The Clerk is further directed to mark it as filed on August 17, 2009, the date it was received by the Court. The Court will review the "Request for an Emergency Injunction and/or Writ of Prohibition," in a separate written Order in Case No. C 08-1285 CW (PR).

The present action is DISMISSED because it was opened in error. No filing fee is due. The Clerk shall close the file.

This Order terminates Docket no. 3. Claudiduillem IT IS SO ORDERED. Dated: 10/30/09 CLAUDIA WILKEN UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT

2	FOR THE NORTHERN DISTRICT OF CALIFORNIA		
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4	JASON PAUL VOELKER, Plaintiff,	Case Number: CV09-03755 CW	
5		CERTIFICATE OF SERVICE	
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9 10	I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.		
11	That on October 30, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.		
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